

AN ORDINANCE 2006-06-08-0701

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY  
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED  
DEVELOPMENT CODE, SECTION 35-304, OFFICIAL  
ZONING MAP OF THE CITY CODE OF SAN ANTONIO,  
TEXAS BY CHANGING THE ZONING DISTRICT  
BOUNDARY OF CERTAIN PROPERTY.**

\* \* \* \* \*

**WHEREAS**, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 119.204 acres out of NCB 34762 and 1.925 acres out of NCB 14859 from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "O-2" Office District, "O-2 ERZD" Office Edwards Recharge Zone District, "O-2" GC-1 Office District Gateway Corridor Overlay District-1, "O-2 ERZD" GC-1 Office Edwards Recharge Zone District Gateway Corridor Overlay District-1, "C-2" Commercial District, "C-2 ERZD" Commercial Edwards Recharge Zone District, "C-2" GC-1 Commercial District Gateway Corridor Overlay District-1, "C-2 ERZD" GC-1 Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "MPCD" Master Planned Community District, "MPCD ERZD" Master Planned Community Edwards Recharge Zone District, "MPCD" GC-1 Master Planned Community Gateway Corridor Overlay District-1 and "MPCD ERZD" GC-1 Master Planned Community Edwards Recharge Zone Gateway Corridor Overlay District-1.

**SECTION 2.** A description of the property is attached as Exhibits "A" and "B" and made a part hereof and incorporated herein for all purposes.

**SECTION 3.** The City Council approves the Master Planned Community District so long as the attached site plan is adhered to. A site plan is attached as Exhibit "C" and made a part hereof and incorporated herein for all purposes.

**SECTION 4.** This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance within the Edwards Recharge Zone shall not exceed 53%.

**SECTION 5.** The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in

provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

**SECTION 6.** All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

**SECTION 7.** Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

**SECTION 8.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

**SECTION 9.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 10.** If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

**SECTION 11.** This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective June 18, 2006.

**PASSED AND APPROVED** this 8th day of June, 2006.

ATTEST:

6-15-06

City Clerk

M A Y O R

PHIL HARDBERGER

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

72006026

TRACT 1

A 119.204 acre, or 5,192,518 square feet more or less, tract of land being that certain 119.204 acre tract conveyed to Stage Coach Gold, Ltd. by Special Warranty Deed recorded in Volume 10667, Pages 1851-1856 of the Official Public Records of Real Property of Bexar County, Texas out of the Texas Central Railway Company Survey No. 599, Abstract 1071, County Block 4762 and the Wilhelm Kerchner Survey No. 340 ¼, Abstract 408, County Block 4763, Bexar County, Texas now all in New City Block (N.C.B.) 34762 of the City of San Antonio of Bexar County Texas. Said 119.204 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

BEGINNING At a found Texas Department of Transportation monument with brass plate on the west right-of-way line of Interstate Highway 10, at the northeast corner of said 119.204 acre tract, the southeast corner of a 26.58 acre tract recorded in Volume 10106 Pages 2491-2499 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Along and with the west right-of-way line of said Interstate Highway 10, the east line of said 119.204 acre tract, the following calls and distances:

Along the arc of a curve to the left, said curve having a radial bearing of N 61°00'04" E, a radius of 4633.75 feet, a central angle of 0°53'37", a chord bearing and distance of S 29°26'45" E, 72.27 feet, for an arc length of 72.27 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

S 29°53'33"E, a distance of 536.09 feet to a found Texas Department of Transportation monument at a point of curvature;

Along the arc of a curve to the right, said curve having a radius of 4388.75 feet, a central angle of 14°03'00", a chord bearing and distance of S 22°52'03" E, 1073.51 feet, for an arc length of 1076.20 feet to a found ½" iron rod;

S 15°50'33"E, a distance of 326.00 feet to a found Texas Department of Transportation monument with brass plate;

S 09°11'33"E, a distance of 194.10 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at the southeast corner of said 119.204, the northeast corner of a 618.58 acre tract recorded in Volume 4735 Pages 911-918 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Departing the right-of-way of said Interstate Highway 10, along and with the south line of said 119.204 acre tract the north line of a 618.58 acre tract recorded in Volume 4735 Page 911-918 of the Official Public Records of Real Property of Bexar County, Texas, the following calls and distances:

S 75°35'38"W, a distance of 318.56 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of curvature;

Along the arc of a curve to the right, said curve having a radial bearing of N 14°24'22" W, a radius of 1000.00 feet, a central angle of 36°05'59", a chord bearing and distance of N 86°21'23" W, 619.69 feet, for an arc length of 630.06 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of tangency;

N 68°18'27"W, a distance of 111.33 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a reentrant corner;

Along the arc of a curve to the right, said curve having a radial bearing of N 68°18'23" W, a radius of 1157.00 feet, a central angle of 31°07'39", a chord bearing and distance of S 37°15'26" W, 620.87 feet, for an arc length of 628.57 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of tangency;

S 52°49'16"W, a distance of 394.16 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

N 59°00'38"W, a distance of 546.61 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

N 53°16'00"W, a distance of 358.26 feet to a found pk nail;

N 33°28'07"W, 179.13 feet to a found ½" iron rod on the east line of a 44.98 acre tract recorded in Volume 10189 Pages 337-340 of the Official Public Records of Real Property of Bexar County, Texas, at the southwest corner of said 119.204 acre tract;

THENCE: Along and with the west line of said 119.204 acre tract, the east line of said 44.98 acre tract, the following calls and distances:

N 00°20'41"W, a distance of 199.43 feet to a found ½" iron rod;

N 00°06'40"W, a distance of 195.30 feet to a found ½" iron rod;

N 00°10'35"E, a distance of 377.58 feet to a found 2" pipe;

N 00°35'27"E, a distance of 361.62 feet to the northeast corner of said 44.98 acre tract, from which a found ½" iron rod bears N89°14'22"W a distance of 1.31 feet;

THENCE: N 00°06'23"W, at a distance of 556.4 feet passing the southeast corner of Lot 2, Block 14 of the Legend Point, Unit 1 Subdivision recorded in Volume 9517 Page 202 of the Deed and Plat Records of Bexar County, Texas, and continuing for a total distance of 594.93 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" on the east line of said Lot 2;

THENCE: N 00°21'29"E, a distance of 310.41 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at the northwest corner of said 119.204 acre tract, the northeast corner of Lot 16, Block 13 of said Legend Point, Unit 1 Subdivision and the southwest corner of a 26.58 acre tract recorded in Volume 10106 Pages 2491-2499 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Along and with the north line of said 119.204 acre tract, the south line of said 26.58 acre tract, the following calls and distances:

N 88°26'40"E, a distance of 263.58 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

N 88°22'51"E, a distance of 101.88 feet to a found nail in rock;

N 89°43'44"E, a distance of 649.37 feet to a monument with brass plate;

N 89°31'27"E, a distance of 124.88 feet to a found ½" iron rod;

N 84°59'57"E, a distance of 555.72 feet to a found ½" iron rod;

N 80°40'24"E, a distance of 38.16 feet to the POINT OF BEGINNING and containing 119.204 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: April 1, 2005

JOB No.: 9058-05

DOC.ID: N:\Survey05\5-9100\9058-05\9058-05FN.doc

EXHIBIT "B"

22000026

TRACT 2

A 1.925 acre, or 83,837 square feet more or less, tract of land being that same 1.925 acre tract recorded in Volume 5973, Pages 1005-1037 of the Official Public Records of Real Property of Bexar County, Texas, out of the remainder of a 618.58 acre tract recorded in Volume 4735 Page 911-918 of the Official Public Records of Real Property of Bexar County, Texas out of the Texas Central Railway Co., Survey No. 599, Abstract 1071, County Block 4762 now all in New City Block (N.C.B.) 14859 of the City of San Antonio of Bexar County Texas. Said 1.925 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

COMMENCING: At a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" on the west right-of-way line of Interstate Highway 10, at the southeast corner of a 119.204 acre tract recorded in Volume 10667 Pages 1851 of the Official Public Records of Real Property of Bexar County, Texas, the northeast corner of a 618.58 acre tract recorded in Volume 4735 Pages 911-918 of the Official Public Records of Real Property of Bexar County, Texas, from which a found Texas Department of Transportation monument with brass plate bears  $N09^{\circ}11'33''W$  a distance of 194.10 feet and a found  $\frac{1}{2}$ " iron rod bears  $N15^{\circ}50'33''W$  a distance of 326.00 feet;

THENCE: Departing said right-of-way, along and with the south line of said 119.204 acre tract, the north line of said 618.58 acre tract;

$S 75^{\circ}35'38''W$ , a distance of 318.56 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at a point of curvature;

Along the arc of a curve to the right, said curve having a radius of 1000.00 feet, a central angle of  $36^{\circ}05'59''$ , a chord bearing and distance of  $N 86^{\circ}21'23'' W$ , 619.69 feet, for an arc length of 630.06 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson";

$N 68^{\circ}18'27''W$ , a distance of 51.33 feet to the POINT OF BEGINNING:

THENCE: Departing said line, over and across said remainder of a 618.58 acre tract, the following calls and distances:

Along the arc of a curve to the right, said curve having a radius of 1217.00 feet, a central angle of  $31^{\circ}07'39''$ , a chord bearing and distance of  $S 37^{\circ}15'27'' W$ , 653.07 feet, for an arc length of 661.17 feet to a point;

$S 52^{\circ}49'16''W$ , a distance of 395.46 feet to a point of curvature;

Along the arc of a curve to the left, said curve having a radial bearing of  $S 37^{\circ}10'44'' E$ , a radius of 370.00 feet, a central angle of  $38^{\circ}16'09''$ , a chord bearing and distance of  $S 33^{\circ}41'12'' W$ , 242.56 feet, for an arc length of 247.13 feet to a point of tangency;

$S 14^{\circ}33'07''W$ , a distance of 73.85 feet to a point of curvature;

Along the arc of a curve to the left, said curve having a radius of 15.00 feet, a central angle of  $88^{\circ}10'07''$ , a chord bearing and distance of  $S\ 29^{\circ}31'56''\ E$ , 20.87 feet, for an arc length of 23.08 feet to a point on the north right-of-way line of La Cantera Parkway, an 86-foot right-of-way, recorded in Volume 9525 Pages 12-16 of the Deed and Plat Records of Bexar County, Texas;

THENCE: Along and with the north right-of-way line of said La Cantera Parkway, a curve to the left, having a radial bearing of  $S16^{\circ}23'01''W$ , a radius of 1393.00 feet, a central angle of  $3^{\circ}39'47''$ , a chord bearing and distance of  $N\ 75^{\circ}26'52''\ W$ , 89.04 feet, for an arc length of 89.06 feet to a point of non tangency;

THENCE: Departing said right-of-way, over and across said remainder 618.58 acre tract, the following calls and distances:

Along the arc of a curve to the left having a radial bearing of  $N\ 12^{\circ}43'14''\ E$ , a radius of 15.00 feet, a central angle of  $88^{\circ}10'07''$ , a chord bearing and distance of  $N\ 58^{\circ}38'11''\ E$ , 20.87 feet, for an arc length of 23.08 feet to a point of tangency;

$N\ 14^{\circ}33'07''E$ , a distance of 73.85 feet to a point of curvature;

Along the arc of a curve to the right, said curve having a radius of 430.00 feet, a central angle of  $38^{\circ}26'47''$ , a chord bearing and distance of  $N\ 33^{\circ}46'31''\ E$ , 283.15 feet, for an arc length of 288.54 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at angle point on the south line of said 119.204 acre tract, a point of tangency;

THENCE: Along and with the south property line of said 119.204 acre tract the following calls and distances:

$N\ 52^{\circ}49'16''E$ , a distance of 394.16 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at a point of curvature;

Along the arc of a curve to the left, said curve having a radial bearing of  $N\ 37^{\circ}10'44''\ W$ , a radius of 1157.00 feet, a central angle of  $31^{\circ}07'39''$ , a chord bearing and distance of  $N\ 37^{\circ}15'27''\ E$ , 620.87 feet, for an arc length of 628.57 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at a reentrant corner of said 119.204 acre tract;

$S\ 68^{\circ}18'23''E$ , a distance of 60.00 feet to the POINT OF BEGINNING and containing 1.925 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: April 1, 2005, April 13, 2005

JOB No.: 9058-05

DOC.ID: N:\Survey05\5-9100\9058-05\Easement Estate.doc

MASTER PLANNED COMMUNITY DEVELOPMENT SITE PLAN

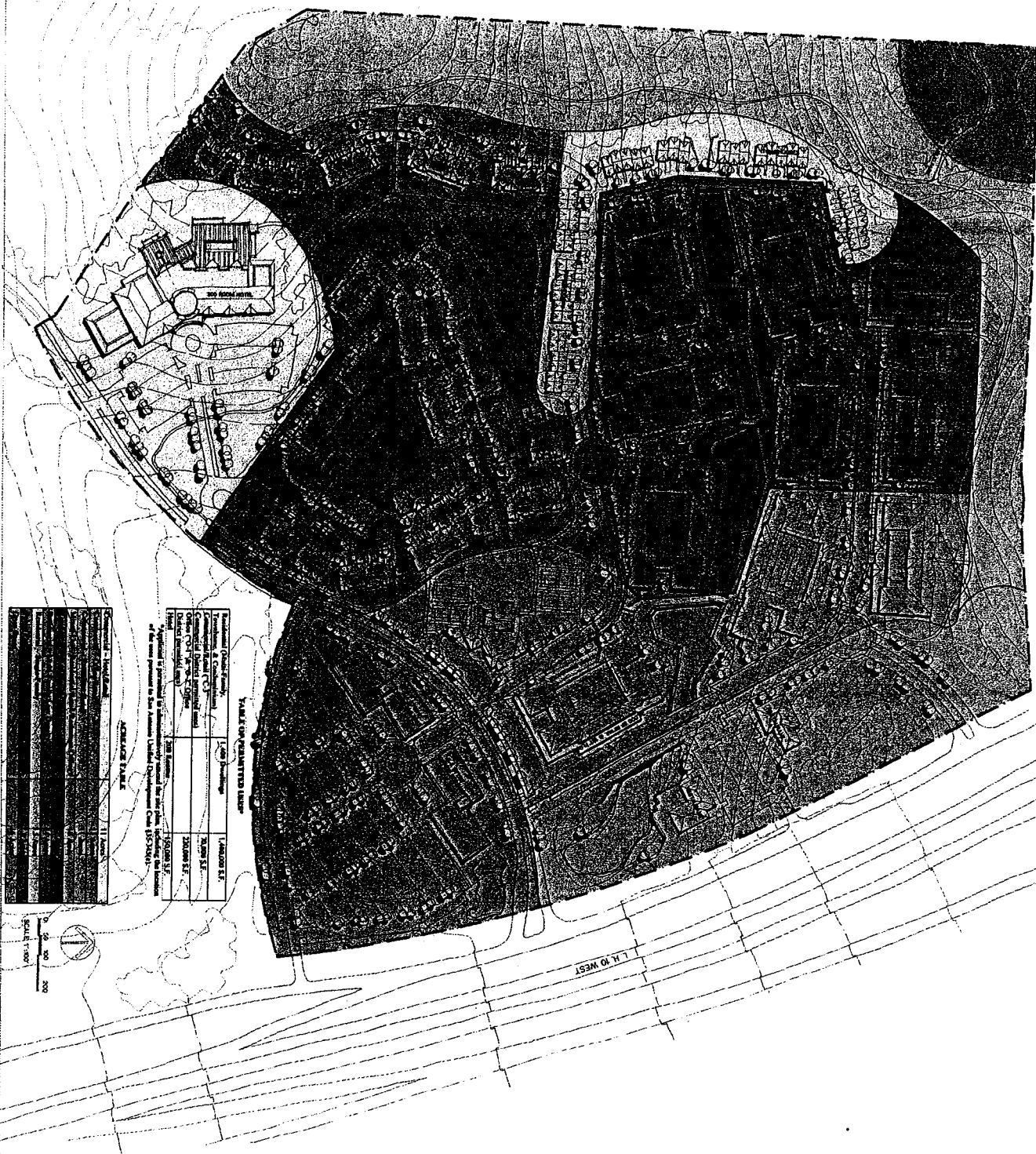


Exhibit C  
to Ordinance No. \_\_\_\_\_  
passed and approved on  
June 8, 2006.

# Agenda Voting Results

**Name:** Z-1

**Date:** 06/08/06

**Time:** 05:04:43 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE #Z2006026 (District 8): An Ordinance changing the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "O-2" Office District, "O-2 ERZD" Office Edwards Recharge Zone District, "O-2" GC-1 Office District Gateway Corridor Overlay District-1, "O-2 ERZD" GC-1 Office Edwards Recharge Zone District Gateway Corridor Overlay District-1, "C-2" Commercial District, "C-2 ERZD" Commercial Edwards Recharge Zone District, "C-2" GC-1 Commercial District Gateway Corridor Overlay District-1, "C-2 ERZD" GC-1 Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "MPCD" Master Planned Community District, "MPCD ERZD" Master Planned Community Edwards Recharge Zone District, "MPCD" GC-1 Master Planned Community Gateway Corridor Overlay District-1 and "MPCD ERZD" GC-1 Master Planned Community Edwards Recharge Zone Gateway Corridor Overlay District-1 on 119.204 acres out of NCB 34762 and 1.925 acres out of NCB 14859, 17855 IH 10 West as requested by Brown, P. C., Applicant, for West World Holding, Inc., Owner(

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5			x	
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR		x		



# CASE NO: Z2006026

## Staff and Zoning Commission Recommendation - City Council

City Council Continuance from May 18, 2006 and June 1, 2006

Date: June 08, 2006

Zoning Commission Meeting Date: April 18, 2006

Council District: 8

Ferguson Map: 514 B2/C2

Appeal:

Applicant: Owner

Brown, P. C. West World Holding, Inc.

**Zoning Request:** From "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "O-2" Office District, "O-2 ERZD" Office Edwards Recharge Zone District, "O-2" GC-1 Office District Gateway Corridor Overlay District-1, "O-2 ERZD" GC-1 Office Edwards Recharge Zone District Gateway Corridor Overlay District-1, "C-2" Commercial District, "C-2 ERZD" Commercial Edwards Recharge Zone District, "C-2" GC-1 Commercial District Gateway Corridor Overlay District-1, "C-2 ERZD" GC-1 Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "MPCD" Master Planned Community District, "MPCD ERZD" Master Planned Community Edwards Recharge Zone District, "MPCD" GC-1 Master Planned Community Gateway Corridor Overlay District-1 and "MPCD ERZD" GC-1 Master Planned Community Edwards Recharge Zone Gateway Corridor Overlay District-1

119.204 acres out of NCB 34762 and 1.925 acres out of NCB 14859

**Property Location:** 17855 IH 10 West

IH 10 West, North of La Cantera Parkway

**Proposal:** To Develop a Master Planned Community of Residential, Commercial and Hotel Uses

**Neighborhood Association:** Legend Hills Homeowner's Association (within 200 feet)

**Neighborhood Plan:** None

**TIA Statement:** A Level-3 Traffic Impact Analysis is required and has been submitted.

**Staff Recommendation:**

Approval

Master Planned Community Districts are preferable when properties identified in a rezoning application are intended for mixed uses and consist of large acreages. This district promotes master planned communities that typically guarantee a comprehensive development that promotes compatibility and inner-connectivity within a mixed use project, traits that may be unavailable when lands are rezoned and developed independent of each other.

The property, consisting of about 120 acres, was annexed in December of 1998 and rezoned to O-1 and B-2 in the years immediately following. The ERZD designation was applied in 1999. The adoption of the 2001 UDC resulted in the existing zoning districts being converted to O-2 and C-2. In 2003, the Gateway Corridor overlay was applied, resulting in the removal of the Urban Corridor overlay which had been applied in 1993.

# CASE NO: Z2006026

## Staff and Zoning Commission Recommendation - City Council

The approximate west half of the property is located over the recharge zone while the east half lies over what is referred to as the "contributing zone."

The purpose of the rezone to MPCD is to develop a master planned community with a variety of residential (about 51.5 acres) and commercial (about 35 acres). Mixed uses are proposed on an additional 16 acres. Overall, the proposed project consists of a mix of single-family and multi-family residential development totaling about 1,400 dwelling units and uses including retail (70,000 square feet) and office (220,000 square feet) space, restaurants and a 200 room hotel (150,000 square feet). About 16 acres, generally along the west and north property boundaries, has been identified by the applicants as open space and about 2.5 acres at the northwest corner of the proposed development has been identified as public park space. Parks and designated open space are required in the MPCD on a percentage basis.

The applicants have submitted the required MPCD site plan with the zoning application. This site plan must be reviewed and receive a recommendation from the Zoning Commission. As the site plan is a component of the MPCD zoning district, the Council must also consider and take action on the site plan and language that reflects a mandatory adherence to the site plan must be contained in the zoning ordinance. The minimum requirements of a site plan are that proposed land uses, including single and multi-family residential uses, office uses and commercial uses must be identified on the plan by location, type, density and size. The applicant's site plan meets this standard. Should an applicant request an amendment to an approved MPCD site plan, they may do so administratively if the city determines the amendment is a minor one. Should the amendment be a major one, the criteria being listed in Section 35-345(e)(2) of the Unified Development Code, the proposed amendment must be returned to the Zoning Commission and City Council for recommendation and approval.

### SAWS Summary

1. SAWS recommends approval of the proposed land use.
2. SAWS currently identifies the property as a Category 2 property.
3. SAWS recommends a maximum impervious cover of 65%.

### Zoning Commission Recommendation:

Approval with SAWS Recommendations

CASE MANAGER : Matthew Taylor 207-5876

### VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

**Z2006026**

**ZONING CASE NO. Z2006026** – April 18, 2006

Applicant: Brown, P. C.

Zoning Request: "R-6" ERZD Residential Single-Family Edwards Recharge Zone District, "O-2" Office District, "O-2" ERZD Office Edwards Recharge Zone District, "O-2" "GC-1" Office District Gateway Corridor Overlay District-1, "O-2" ERZD "GC-1" Office Edwards Recharge Zone District Gateway Corridor Overlay District-1, "C-2" Commercial District, "C-2" ERZD Commercial Edwards Recharge Zone District, "C-2" "GC-1" Commercial District Gateway Corridor Overlay District-1, "C-2" ERZD "GC-1" Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "MPCD" Master Planned Community District, "MPCD" ERZD Master Planned Community Edwards Recharge Zone District, "MPCD" "GC-1" Master Planned Community Gateway Corridor Overlay District-1 and "MPCD" ERZD "GC-1" Master Planned Community Edwards Recharge Zone Gateway Corridor Overlay District-1

Ken Brown, 112 E. Pecan, representing the owner, stated a portion of the property is in the contributing zone therefore SAWS does not have the authority to impose impervious cover. He stated they have agreed to restrictive covenant on the entire property. This request is a Master Plan Mixed Use Planned Unit Development, which is appropriate for this area. He stated he has been in contact with the representatives from Legend Hills Homeowner's Association and are now in support.

Staff stated there were 14 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Legend Hills Homeowner's Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Stribling and seconded by Commissioner Martinez to recommend approval with SAWS recommendation both site specific and general and 65% impervious cover.

**Z2006026**

1. Property is located on 119.204 acre out of NCB 34762 and 1.925 acres out of NCB 14859 at 17855 West Interstate Highway 10.
2. There were 14 notices mailed, 0 returned in opposition and 0 in favor.
3. Staff recommends approval.

**AYES: Avila, Robbins, Rodriguez, Gadberry, Marshall, Sherrill, Wright, Martinez, Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF COUNCIL HEARING May 18, 2006**

City Council granted a continuance until June 1, 2006

**RESULTS OF COUNCIL HEARING June 1, 2006**

City Council granted a continuance until June 8, 2006

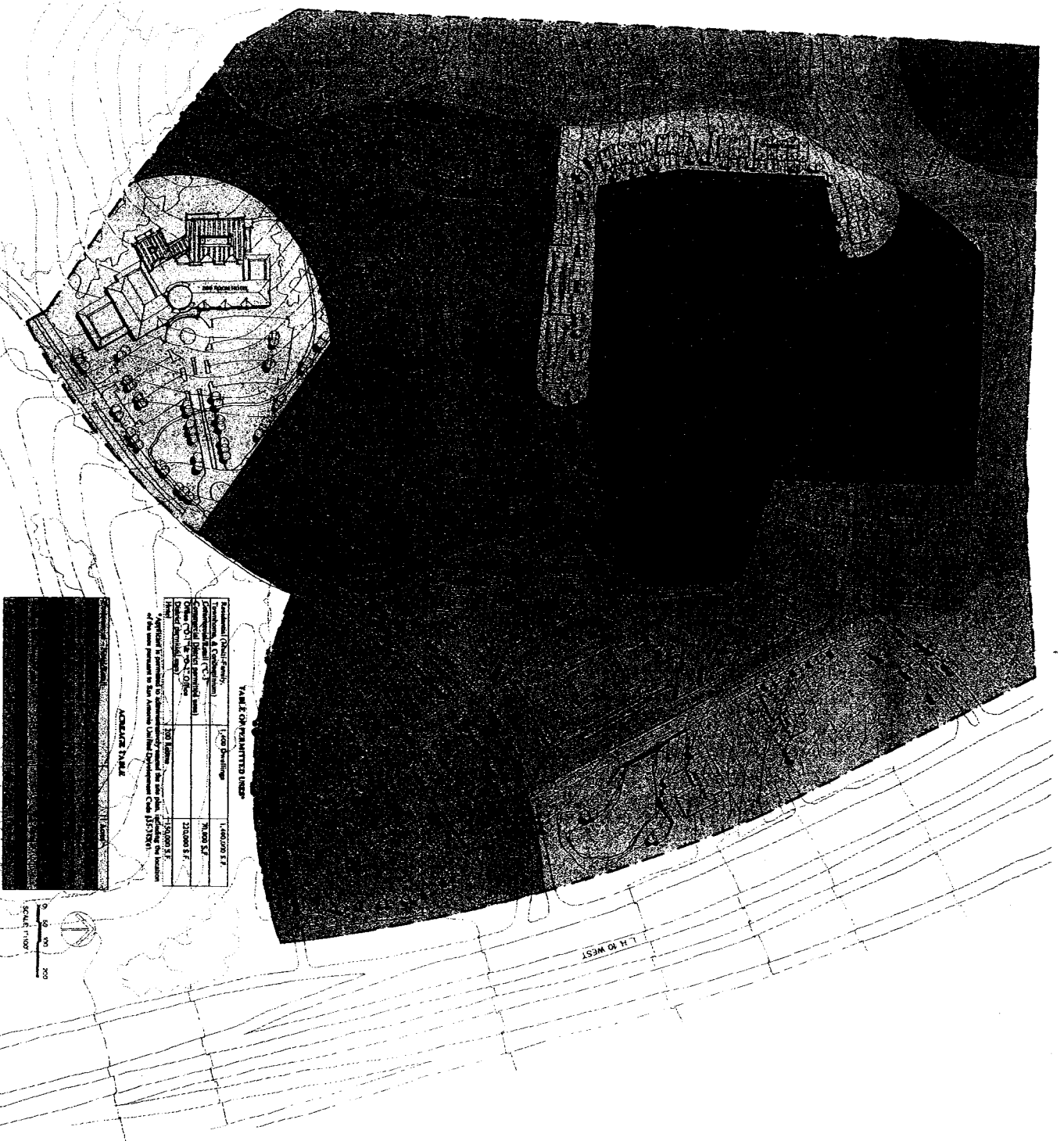
**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

**West World SA**

## MASTER PLANNED COMMUNITY DEVELOPMENT SITE PLAN

**BRD/HQS ARCHITECTS**  
b7c/b7d/b7e



SAN ANTONIO WATER SYSTEM  
SERVICES

2006 APR 11 A 11:29

**SAN ANTONIO WATER SYSTEM  
Interdepartment Correspondence Sheet**

**To:** Zoning Commission Members

**From:** Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

**Copies To:** Scott R. Halty, Director, Resource Protection & Compliance Department, Julia I. Mireles, P.E., Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

**Subject:** Zoning Case Z2006026 (Mixed Use Development)

**Date:** April 4, 2006

**SUMMARY**

A request for a change in zoning has been made for an approximate 121.13-acre tract located on the city's northwest side. A change in zoning from O-2, R-6 ERZD, C-2, O-2 GC-1, C-2 GC-1, O-2 GC-1, C-2 ERZD GC-1, O-2 ERZD GC-1, C-2 ERZD, and O-2 ERZD to MPCD, MPCD ERZD, and MPCD ERZD GC-1 is being requested by the applicant, Brown, P.C., by Mr. Kenneth W. Brown. The change in zoning has been requested to allow a mixed use development.

As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

**LOCATION**

The subject property is located in City Council District 8, near the intersection of Loop 1604 and La Cantera Pkwy. A total of 81.95 acres of the property lies within the Edwards Aquifer Recharge Zone. The remaining 39.17 acres are located on the contributing zone (Figures 1 and 2).

## **SITE EVALUATION**

### **1. Development Description:**

The proposed change is from O-2, R-6 ERZD, C-2, O-2 GC-1, C-2 GC-1, O-2 GC-1, C-2 ERZD GC-1, O-2 ERZD GC-1, C-2 ERZD, and O-2 ERZD to MPCD, MPCD ERZD, and MPCD ERZD GC-1 and will allow for the construction of a mixed – use development. Currently the site is covered in native vegetation and undeveloped. A large above ground storage tank (AST) was found on the property. According to the applicant, the AST was used for water storage.

### **2. Surrounding Land Uses:**

A portion of Crownridge Subdivision is located to the northwest of the property. Undeveloped land bounds the western and northern portion of the property. Fiesta Texas is located to the south of the property. IH 10 and The Rim Project are located to the east of the property.

### **3. Water Pollution Abatement Plan:**

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to commencement of construction.

### **4. Geologic Conditions:**

The Resource Protection Division of the San Antonio Water System conducted a site evaluation, on February 17, 2006, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Mr. Gregory James, P.G., was present during the site evaluation.

Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Kirschberg Evaporite Member, Dolomitic Member, and Basal Nodular Members of the Edwards Aquifer, and the Upper Glen Rose Formation.

The Kirschberg Evaporite Member is generally one of the most permeable units of the Edwards Aquifer. It is generally 50 to 60 feet thick in full section.

The Dolomitic Member is characterized by non-fabric (structural) permeability. It is 110 to 130 feet thick in full section.

The Basal Nodular Member is characterized as having little or no permeability in the subsurface. It is the bottom most unit of the Edwards Aquifer. It is 50 to 60 feet thick in full section.

The Upper Glen Rose Formation is relatively impermeable. It is the Lower Confining Unit of the Edwards Aquifer. It is 350 to 500 feet in full section.

One cave was found on the property. It is located in the side of a streambed and appears to discharge water into the stream. It is located within the Upper Glen Rose Formation (lower confining unit of the Edwards Aquifer).

Sensitive features consist of one solution cavity and one sinkhole. Both are located on hillsides which limit their catchment area to less than 1.6 acres, therefore they are not considered significant.

A fault trending approximately N64°E is located near the center of the project. Evidence of this fault was limited to some tilting of bedding in streambeds. Since this is not conclusive evidence of the faults existence, it should be considered an inferred fault and not likely to have significant infiltration.

Two water wells were located on the property. One (S-13) was observed to be in operation with a small amount of leakage. The other (S-14) appears to have been abandoned.

## **ENVIRONMENTAL CONCERNS**

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

### **Site Specific Concerns**

1. An above ground storage tank was observed on the site and must be properly disposed of.
2. Several sensitive geologic features are located on the property and there is potential for contamination of the Edwards Aquifer. None of the sensitive features are significant.
3. An abandoned septic system was observed on the site and there is potential for contamination of the Edwards Aquifer.
4. Two wells were observed on the site. One well appears to be abandoned and the other well appears to be in operation. There is potential for contamination of the Edwards Aquifer via the wells.
5. A portion of the property lies within Leon Creek Watershed, along the eastern portion, where recharge may occur.
6. MPCD Zoning allows for certain industrial land uses that are not allowed over the recharge zone. According to the applicant the land use will be a hotel, office, retail, and multi-family.

### **General Concerns**

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.



2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

## **ENVIRONMENTAL RECOMMENDATIONS**

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

### **Site Specific Recommendations**

1. The applicant agrees not to exceed 65% impervious cover for the entire site and has agreed to deed restrict the property in order to limit the impervious cover.
2. Land uses that require an industrial designation, per the permitted use table shall not be allowed on the project site.
3. The abandoned septic systems, along with any additional septic system that may be located on the site must be properly abandoned according to City Code Chapter 34 Article V Division 2 Section 446.
4. The abandoned wells, along with any additional wells that may be located on the site must be properly plugged according to the City Code Chapter 34, Division 2 Section 574 by a registered well driller.
5. A floodplain buffer shall be provided along the eastern portion of the property as required in Ordinance No. 81491, Section 34-913.
6. The land uses within the zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
7. The owner of all water pollution abatement structures shall be responsible for properly maintaining the basin and that it is kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
8. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application.

Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S.D.A, shall be used.

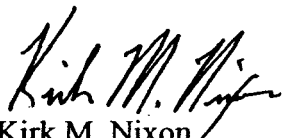
9. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.
10. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

#### **General Recommendations**

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
  - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
  - B. A set of site specific plans which must have a signed Engineers Seal from Texas,
  - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
  - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
  - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.

- B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
  - C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
  - D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division.
5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

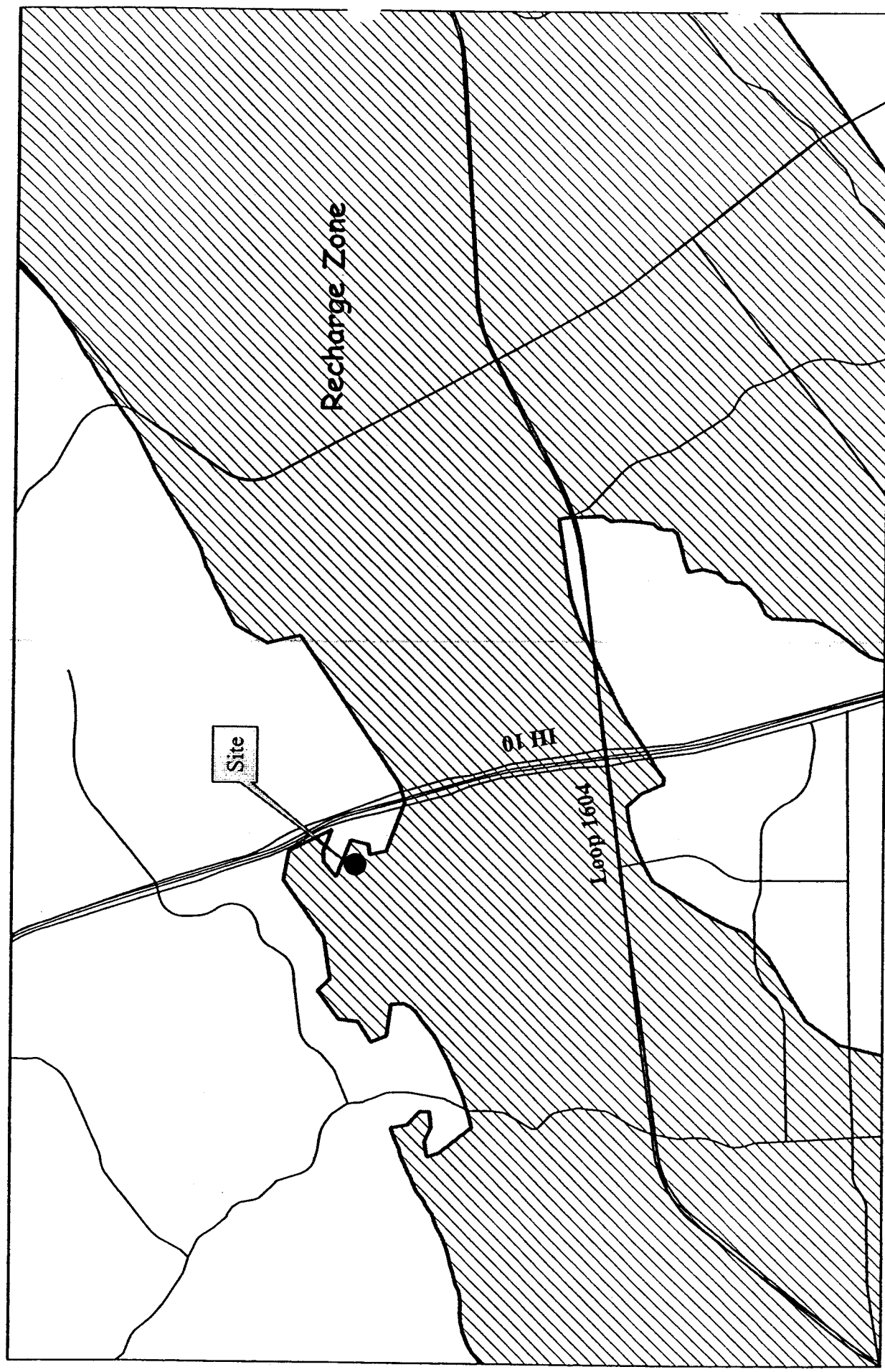
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.

  
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:MJB



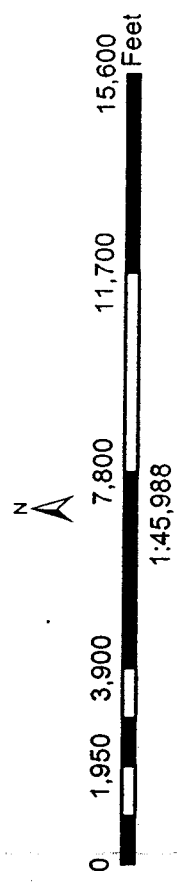
Zoning Case No. Z2006026 Figure 1

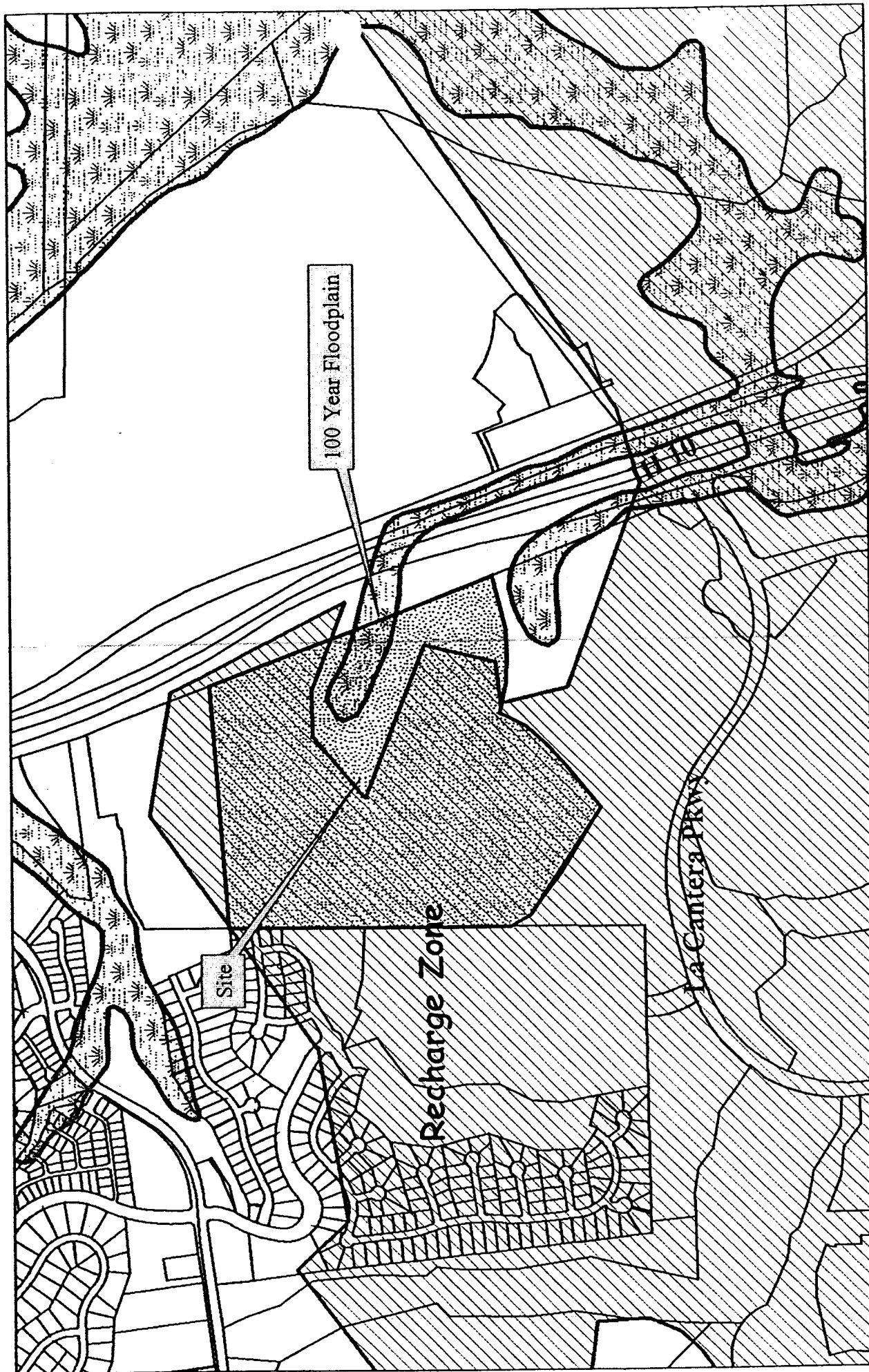
Mixed Use Development

Map Page 514 B2

X=2092744 Y=13770057

Map Prepared by Aquifer Protection and Evaluation MJB 1/10/2006





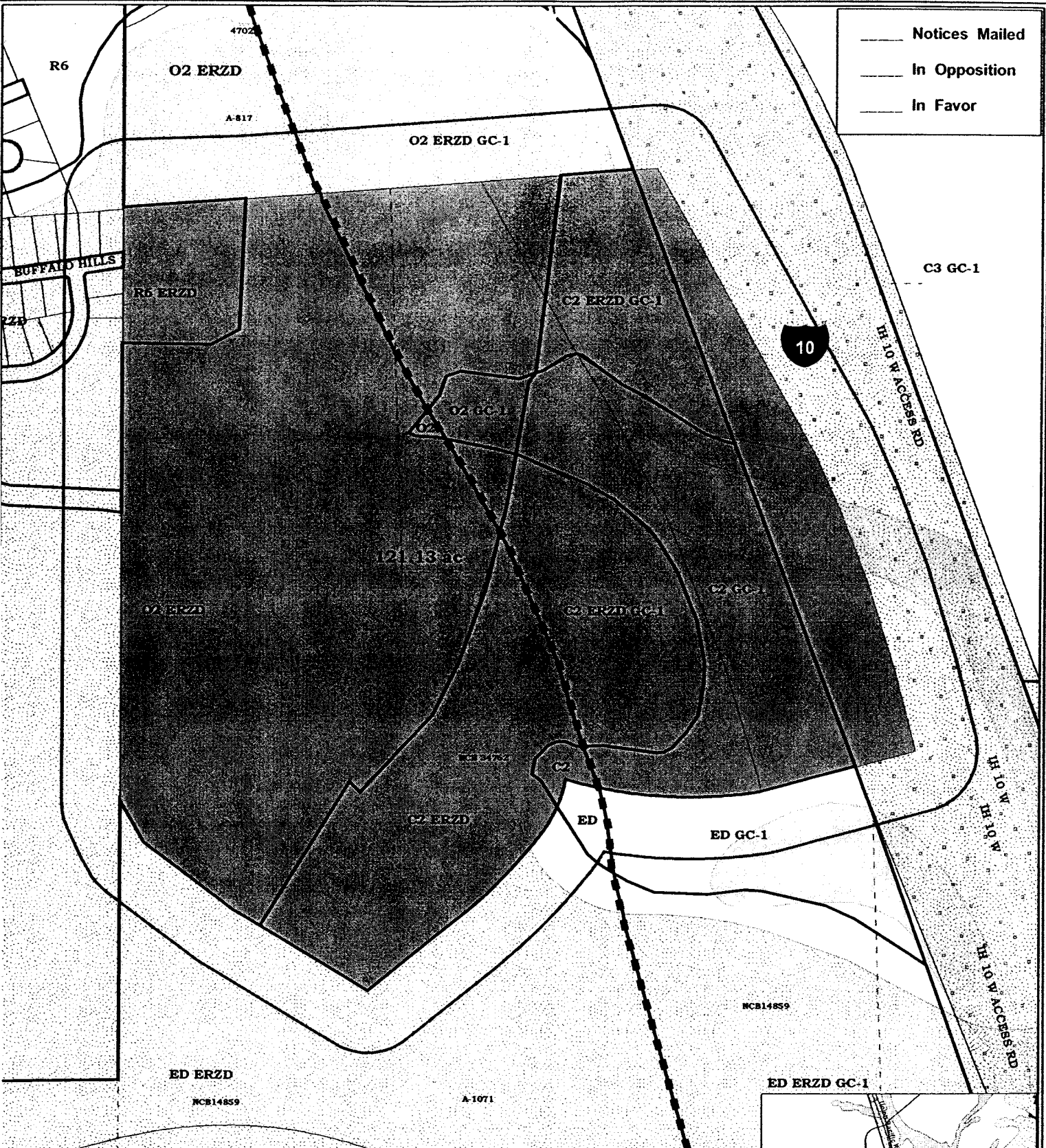
**Zoning Case No. Z2006026 Figure 2**

Mixed Use Development

Map Page 514 B2

X=2092744 Y=13770057

Map Prepared by Aquifer Protection and Evaluation MJB 1/23/2006



- \_\_\_\_\_ Notices Mailed
- \_\_\_\_\_ In Opposition
- \_\_\_\_\_ In Favor

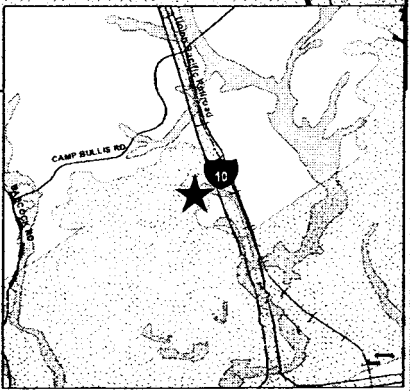
# **ZONING CASE: Z2006-026**

City Council District No. 8  
 Requested Zoning Change  
 From: "R-6 ERZD" "O-2" "O-2 ERZD" "C-2" "C-2 ERZD"  
 To: "MPCD" "MPCD ERZD"  
 Date: June 8, 2006  
 Scale: 1" = 400'

- Subject Property
- 200' Notification



C:\Apr\_4\_2006



**RESTRICTIVE COVENANTS**

STATE OF TEXAS     §  
                              §  
COUNTY OF BEXAR   §

**KNOW ALL MEN BY THESE PRESENTS:**

These **RESTRICTIVE COVENANTS** (the "Agreement") is made and entered into this 3/5<sup>th</sup> day of May, 2006, by and among West World Holding Inc., ("West World"), a Delaware corporation, whose address is 3 Manhattanville Road, Purchase, New York 10577.

**REFERENCE IS HEREBY MADE TO THE FOLLOWING:**

1. That certain tract of land (the "Development Tract"), containing 121.13 acres of land, more or less, described more particularly by metes and bounds on Exhibit "A" which is attached hereto and incorporated herein for all purposes.

**RECITALS**

- A. West World owns the Development Tract;
- B. Legend Hills Homeowners Association is comprised of owners of lots within the various Legend Hills subdivisions;
- C. Because the Legend Hills subdivision is adjacent to a portion of the Development Tract, the Legend Hills Homeowners Association would be affected by any change in the use of the Development Tract;
- D. West World has requested from Legend Hills Homeowners Association, a recommendation for approval of a change in the zoning for the Development Tract from "O-2", "R-6 ERZD", "C-2", "C-2 GC-1", "O-2 CG-1", "C-2 ERZD GC-1", "O-2 ERZD CG-1", "C-2 ERZD", and "O-2 ERZD" to "MPCD", "MPCD ERZD" and "MPCD ERZD GC-1;" and

**AGREEMENT**

NOW, THEREFORE, in consideration of the terms herein set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows and adopt and incorporate the Recitals set forth above.

1. Use Restrictions on the Development Tract. West World agrees that in the event the Development Tract is zoned "MPCD", "MPCD ERZD" and "MPCD ERZD GC-1" and developed for such use, the Development Tract shall be burdened by the following restrictions on its use:

- a. Buffer. The western boundary of the Development Tract shall include a seventy-five (75) foot natural buffer, in which no building construction may occur, extending five hundred (500) feet from the northern boundary of the Development Tract south, as shown on Exhibit "B". If the north-western six (6) acres of the Development Tract,



which is labeled "R6 ERZD" is to be sold for the development of single family homes, the landscape buffer shall no longer be in effect. West World agrees to give the Legend Hills Homeowners Association thirty (30) days notice that these subject six acres are to be sold.

2. Breach and Attorney's Fees. In the event of a breach or threatened breach of this Agreement, the parties hereto, or their successors or assigns, shall be entitled to institute proceedings for full and adequate relief from the consequences of such breach or threatened breach, including obtaining restraining orders and injunctions (temporary and/or permanent). Either party may obtain a temporary or permanent restraining order/injunction upon proof of the existence of harm or interference or threatened harm or interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm. The parties covenant and agree that because of the potential for such serious damage resulting from the breach of this Agreement or threatened breach of this Agreement, a restraining order or injunction is an appropriate and necessary remedy. The act of obtaining an injunction or restraining order shall not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity. If either party employs an attorney to enforce its rights pursuant to this Agreement, the non-prevailing party shall reimburse the prevailing party for its reasonable expenses, attorney's fees and costs.

3. Rights, Duties and Obligations of Successors. The restrictions, benefits and obligations hereunder shall create benefits and servitudes running with the land, which shall be binding upon the Development Tract, and shall inure to the benefit of the Legend Hills Homeowners Association. Notwithstanding anything to the contrary in this Agreement, upon an owner's sale of all or a portion of the Development Tract, such owner shall be released from all unaccrued liabilities and other obligations arising under this Agreement from and after the recording date of the deed documenting such sale as to that portion of each tract sold, and whomever purchases such portion of each tract sold will immediately assume all obligations and duties set forth herein after the recording date of the deed documenting such sale. This Agreement shall bind and inure to the benefit of the parties hereto, their respective heirs, representatives, lessees, successors and assigns. The singular number includes the plural and the masculine gender includes the feminine and neuter.

4. Notices. Any notice required or permitted under this Agreement must be in writing. Any notice required by this Agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in the introductory paragraph of this Agreement. Notice may also be given by personal delivery, courier delivery, or facsimile transmission, and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

5. West World agrees that the covenants, conditions, and restrictions of this Agreement shall be effective for a term of ten (10) years from the date this Agreement is recorded, after which period, the covenants conditions and restrictions shall be automatically extended for successive periods of five (5) years unless terminated by agreement of the parties herein. However, should Legend Hills Homeowners Association cease to be an operating neighborhood association, West World, or its successor shall have the unilateral right to amend or terminate this Agreement at any time.

6. Time. Time is of the essence. Unless otherwise specified, all references to "days" mean calendar days. If the date for performance of any obligation falls on a Saturday, Sunday, or a legal public holiday, the date for performance will be the next following regular business day.

7. Headings. The headings and other captions contained in this Agreement are for convenience of reference only and shall not be used in interpreting, construing or enforcing any of the



provisions of this Agreement.

8. Choice of Law. This Agreement shall be construed under the laws of the State of Texas, and any causes of action arising under this Agreement shall be brought in a federal or state district court located in Bexar County, Texas.

9. Severability. If any provision of this Agreement shall be or become invalid, illegal or unenforceable in any respect under any applicable law, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired thereby.

10. No Waiver of Rights. Any waiver or failure to enforce any provision of this Agreement in a particular situation shall not be deemed a waiver or abandonment of such provision as it may apply in any other situation or to the same or a similar situation at any other location of the Development Tract or of any other provision of this Agreement. The failure of Legend Hills Homeowners Association to enforce this Agreement shall in no event be deemed to be a waiver of the right to do so thereafter or of the right to later enforce this Agreement.

11. Constructive Notice. Every person who now or hereafter owns or acquires any right, title or interest in or to any portion of the Development Tract is and shall be conclusively deemed to have consented and agreed to every covenant condition and restriction contained in the instrument by which such person acquired an interest in the Development Tract

12. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties in connection herewith. No provision of this Agreement may be waived, amended, modified, terminated or discharged orally, but only by agreement in writing signed by the parties hereto.

13. Counterparts. This Agreement may be executed in any number of counterparts and each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one Agreement

WHEREFORE, this Agreement is executed this 31st day of May, 2006, at San Antonio, Texas.

West World Holding Inc

By: [Signature]

Name: ARMEN FAUCIAS CRUZ  
PRESIDENT

VERIFICATION

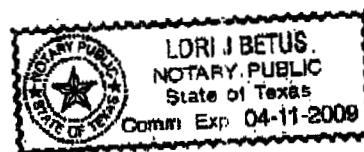
STATE OF TEXAS §

COUNTY OF Bexar §

I Lori Betus, have read the above and foregoing Covenant and Restriction Agreement, and verify that to my personal knowledge the facts therein contained are true and correct.

By: [Signature]

Name: Lori J. Betus



Legend Hills Homeowners Association

By: [Signature]

Name: Ed Estrada

VERIFICATION

STATE OF TEXAS §

COUNTY OF BEXAR §

I \_\_\_\_\_, have read the above and foregoing Covenant and Restriction Agreement, and verify that to my personal knowledge the facts therein contained are true and correct.

By: \_\_\_\_\_

Name: \_\_\_\_\_

EXHIBIT "A"

TRACT 1

A 119.204 acre, or 5,192,518 square feet more or less, tract of land being that certain 119.204 acre tract conveyed to Stage Coach Gold, Ltd. by Special Warranty Deed recorded in Volume 10667, Pages 1851-1856 of the Official Public Records of Real Property of Bexar County, Texas out of the Texas Central Railway Company Survey No. 599, Abstract 1071, County Block 4762 and the Wilhelm Kerchner Survey No. 340 ¼, Abstract 408, County Block 4763, Bexar County, Texas now all in New City Block (N.C.B.) 34762 of the City of San Antonio of Bexar County Texas. Said 119.204 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

BEGINNING At a found Texas Department of Transportation monument with brass plate on the west right-of-way line of Interstate Highway 10, at the northeast corner of said 119.204 acre tract, the southeast corner of a 26.58 acre tract recorded in Volume 10106 Pages 2491-2499 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Along and with the west right-of-way line of said Interstate Highway 10, the east line of said 119.204 acre tract, the following calls and distances:

Along the arc of a curve to the left, said curve having a radial bearing of N 61°00'04" E, a radius of 4633.75 feet, a central angle of 0°53'37", a chord bearing and distance of S 29°26'45" E, 72.27 feet, for an arc length of 72.27 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

S 29°53'33"E, a distance of 536.09 feet to a found Texas Department of Transportation monument at a point of curvature;

Along the arc of a curve to the right, said curve having a radius of 4388.75 feet, a central angle of 14°03'00", a chord bearing and distance of S 22°52'03" E, 1073.51 feet, for an arc length of 1076.20 feet to a found ½" iron rod;

S 15°50'33"E, a distance of 326.00 feet to a found Texas Department of Transportation monument with brass plate;

S 09°11'33"E, a distance of 194.10 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at the southeast corner of said 119.204, the northeast corner of a 618.58 acre tract recorded in Volume 4735 Pages 911-918 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Departing the right-of-way of said Interstate Highway 10, along and with the south line of said 119.204 acre tract the north line of a 618.58 acre tract recorded in Volume 4735 Page 911-918 of the Official Public Records of Real Property of Bexar County, Texas, the following calls and distances:

S 75°35'38"W, a distance of 318.56 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of curvature;

Along the arc of a curve to the right, said curve having a radial bearing of N 14°24'22" W, a radius of 1000.00 feet, a central angle of 36°05'59", a chord bearing and distance of N 86°21'23" W, 619.69 feet, for an arc length of 630.06 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of tangency;

N 68°18'27"W, a distance of 111.33 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a reentrant corner;

Along the arc of a curve to the left, said curve having a radius of 15.00 feet, a central angle of  $88^{\circ}10'07''$ , a chord bearing and distance of  $S\ 29^{\circ}31'56''\ E$ , 20.87 feet, for an arc length of 23.08 feet to a point on the north right-of-way line of La Cantera Parkway, an 86-foot right-of-way, recorded in Volume 9525 Pages 12-16 of the Deed and Plat Records of Bexar County, Texas;

THENCE: Along and with the north right-of-way line of said La Cantera Parkway, a curve to the left, having a radial bearing of  $S16^{\circ}23'01''W$ , a radius of 1393.00 feet, a central angle of  $3^{\circ}39'47''$ , a chord bearing and distance of  $N\ 75^{\circ}26'52''\ W$ , 89.04 feet, for an arc length of 89.06 feet to a point of non tangency;

THENCE: Departing said right-of-way, over and across said remainder 618.58 acre tract, the following calls and distances:

Along the arc of a curve to the left having a radial bearing of  $N\ 12^{\circ}43'14''\ E$ , a radius of 15.00 feet, a central angle of  $88^{\circ}10'07''$ , a chord bearing and distance of  $N\ 58^{\circ}38'11''\ E$ , 20.87 feet, for an arc length of 23.08 feet to a point of tangency;

$N\ 14^{\circ}33'07''E$ , a distance of 73.85 feet to a point of curvature;

Along the arc of a curve to the right, said curve having a radius of 430.00 feet, a central angle of  $38^{\circ}26'47''$ , a chord bearing and distance of  $N\ 33^{\circ}46'31''\ E$ , 283.15 feet, for an arc length of 288.54 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at angle point on the south line of said 119.204 acre tract, a point of tangency;

THENCE: Along and with the south property line of said 119.204 acre tract the following calls and distances:

$N\ 52^{\circ}49'16''E$ , a distance of 394.16 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at a point of curvature;

Along the arc of a curve to the left, said curve having a radial bearing of  $N\ 37^{\circ}10'44''\ W$ , a radius of 1157.00 feet, a central angle of  $31^{\circ}07'39''$ , a chord bearing and distance of  $N\ 37^{\circ}15'27''\ E$ , 620.87 feet, for an arc length of 628.57 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at a reentrant corner of said 119.204 acre tract;

$S\ 68^{\circ}18'23''E$ , a distance of 60.00 feet to the POINT OF BEGINNING and containing 1.925 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: April 1, 2005, April 13, 2005

JOB No.: 9058-05

DOC.ID. N:\Survey05\5-9100\9058-05\Easement Estate.doc

X

TRACT 2

A 1.925 acre, or 83,837 square feet more or less, tract of land being that same 1.925 acre tract recorded in Volume 5973, Pages 1005-1037 of the Official Public Records of Real Property of Bexar County, Texas, out of the remainder of a 618.58 acre tract recorded in Volume 4735 Page 911-918 of the Official Public Records of Real Property of Bexar County, Texas out of the Texas Central Railway Co., Survey No. 599, Abstract 1071, County Block 4762 now all in New City Block (N.C.B.) 14859 of the City of San Antonio of Bexar County Texas. Said 1.925 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

COMMENCING: At a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" on the west right-of-way line of Interstate Highway 10, at the southeast corner of a 119.204 acre tract recorded in Volume 10667 Pages 1851 of the Official Public Records of Real Property of Bexar County, Texas, the northeast corner of a 618.58 acre tract recorded in Volume 4735 Pages 911-918 of the Official Public Records of Real Property of Bexar County, Texas, from which a found Texas Department of Transportation monument with brass plate bears N09°11'33"W a distance of 194.10 feet and a found  $\frac{1}{2}$ " iron rod bears N15°50'33"W a distance of 326.00 feet;

THENCE: Departing said right-of-way, along and with the south line of said 119.204 acre tract, the north line of said 618.58 acre tract;

S 75°35'38"W, a distance of 318.56 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at a point of curvature;

Along the arc of a curve to the right, said curve having a radius of 1000.00 feet, a central angle of 36°05'59", a chord bearing and distance of N 86°21'23" W, 619.69 feet, for an arc length of 630.06 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson";

N 68°18'27"W, a distance of 51.33 feet to the POINT OF BEGINNING:

THENCE: Departing said line, over and across said remainder of a 618.58 acre tract, the following calls and distances:

Along the arc of a curve to the right, said curve having a radius of 1217.00 feet, a central angle of 31°07'39", a chord bearing and distance of S 37°15'27" W, 653.07 feet, for an arc length of 661.17 feet to a point;

S 52°49'16"W, a distance of 395.46 feet to a point of curvature;

Along the arc of a curve to the left, said curve having a radial bearing of S 37°10'44" E, a radius of 370.00 feet, a central angle of 38°16'09", a chord bearing and distance of S 33°41'12" W, 242.56 feet, for an arc length of 247.13 feet to a point of tangency;

S 14°33'07"W, a distance of 73.85 feet to a point of curvature;

Along the arc of a curve to the right, said curve having a radial bearing of N 68°18'23" W, a radius of 1157.00 feet, a central angle of 31°07'39", a chord bearing and distance of S 37°15'26" W, 620.87 feet, for an arc length of 628.57 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of tangency;

S 52°49'16"W, a distance of 394.16 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

N 59°00'38"W, a distance of 546.61 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

N 53°16'00"W, a distance of 358.26 feet to a found pk nail;

N 33°28'07"W, 179.13 feet to a found ½" iron rod on the east line of a 44.98 acre tract recorded in Volume 10189 Pages 337-340 of the Official Public Records of Real Property of Bexar County, Texas, at the southwest corner of said 119.204 acre tract;

THENCE: Along and with the west line of said 119.204 acre tract, the east line of said 44.98 acre tract, the following calls and distances:

N 00°20'41"W, a distance of 199.43 feet to a found ½" iron rod;

N 00°06'40"W, a distance of 195.30 feet to a found ½" iron rod;

N 00°10'35"E, a distance of 377.58 feet to a found 2" pipe;

N 00°35'27"E, a distance of 361.62 feet to the northeast corner of said 44.98 acre tract, from which a found ½" iron rod bears N89°14'22"W a distance of 1.31 feet;

THENCE: N 00°06'23"W, at a distance of 556.4 feet passing the southeast corner of Lot 2, Block 14 of the Legend Point, Unit 1 Subdivision recorded in Volume 9517 Page 202 of the Deed and Plat Records of Bexar County, Texas, and continuing for a total distance of 594.93 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" on the east line of said Lot 2;

THENCE: N 00°21'29"E, a distance of 310.41 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at the northwest corner of said 119.204 acre tract, the northeast corner of Lot 16, Block 13 of said Legend Point, Unit 1 Subdivision and the southwest corner of a 26.58 acre tract recorded in Volume 10106 Pages 2491-2499 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Along and with the north line of said 119.204 acre tract, the south line of said 26.58 acre tract, the following calls and distances:

N 88°26'40"E, a distance of 263.58 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

N 88°22'51"E, a distance of 101.88 feet to a found nail in rock;

N 89°43'44"E, a distance of 649.37 feet to a monument with brass plate;

N 89°31'27"E, a distance of 124.88 feet to a found ½" iron rod;

N 84°59'57"E, a distance of 555.72 feet to a found ½" iron rod;

N 80°40'24"E, a distance of 38.16 feet to the POINT OF BEGINNING and containing 119.204 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

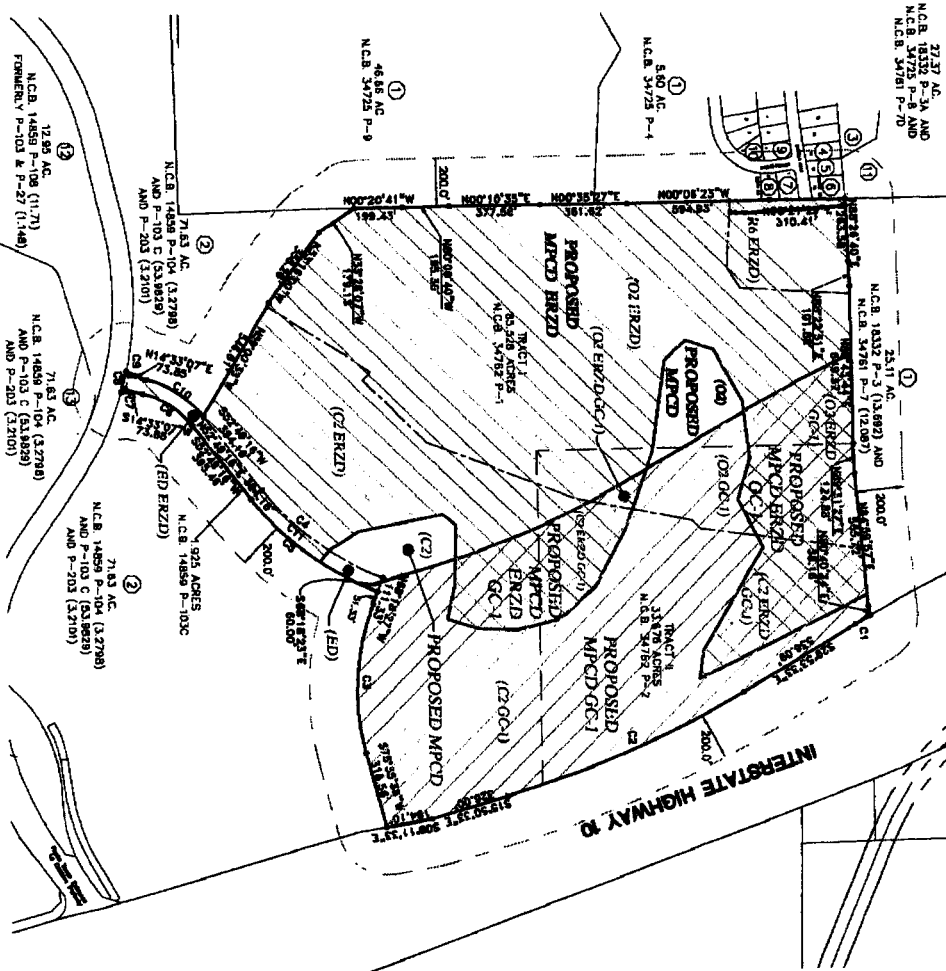
DATE: April 1, 2005

JOB No.: 9058-05

DOC.ID: N:\Survey\05\5-9100\9058-05\9058-05FN.doc

# EXHIBIT

## B



TRACT	ACRES	CHORD	CHORD	CHORD	CHORD
		ANGLE	BEARING	DISTANCE	LENGTH
C1	463.75	053.37	S 22°26'45" E	72.77	72.77
C2	408.75	140°07'	N 82°15'12" E	107.33	107.33
C3	1000.00	38°55'39"	N 82°15'12" E	620.87	620.87
C4	1197.00	31°07'38"	N 82°15'12" E	643.07	643.07
C5	3177.00	31°07'38"	N 82°15'12" E	244.56	244.56
C6	3177.00	31°07'38"	N 82°15'12" E	244.56	244.56
C7	3177.00	31°07'38"	N 82°15'12" E	244.56	244.56
C8	1341.00	31°07'38"	N 82°15'12" E	244.56	244.56
C9	1341.00	31°07'38"	N 82°15'12" E	244.56	244.56
C10	450.00	31°07'38"	N 82°15'12" E	244.56	244.56
C11	1197.00	31°07'38"	N 82°15'12" E	244.56	244.56

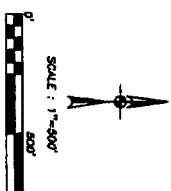
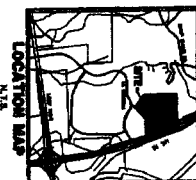
TRACT	ACRES	CHORD	CHORD	CHORD	CHORD
		ANGLE	BEARING	DISTANCE	LENGTH
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33
PROPOSED	1000.00	140°07'	N 82°15'12" E	107.33	107.33

### LEGEND

TRACT BOUNDARY  
EXISTING ZONING BOUNDARY  
PROPOSED ZONING BOUNDARY

### PROPERTY OWNERS TABLE

1. CAMP BULLS LTD.  
FROM BOULEVARD 2004  
SAN ANTONIO, TX 78256-2334
2. LA CANTERA DEV CO  
8820 COLONADE BLVD STE 600  
SAN ANTONIO, TX 78228-0002
3. TREAT KENNETH C & TERESA F  
13602 ASPHON OWNS  
SAN ANTONIO, TX 78256-2352
4. ABELON, BRIAN P & RACHELE R  
6423 BUFFALO HILLS  
SAN ANTONIO, TX 78256-2327
5. 271N, MARK R & VIVIAN J HALEY  
6418 BUFFALO HILLS  
SAN ANTONIO, TX 78256-2327
6. ALVAREZ, JUANICO  
6418 BUFFALO HILLS  
SAN ANTONIO, TX 78256-2327
7. JORDAN, RONALD E & MARGIE L  
6422 SHING FOREST  
SAN ANTONIO, TX 78256-2323
8. ESTILLO, HERBERTO & ROSABERY M  
6425 SHING FOREST  
SAN ANTONIO, TX 78256-2323
9. LEAD, CHARLES T & ROBIN J  
6502 BUFFALO HILLS  
SAN ANTONIO, TX 78256-2323
10. STEINHAUER, WILLIAM D  
6502 BUFFALO HILLS  
SAN ANTONIO, TX 78256-2323
11. CROWNOUSE OF TEXAS  
OMERIS ASSOCIATION INC  
1000 NE LOOP 410 STE 202  
SAN ANTONIO, TX 78209-1613
12. LA CANTERA DEV CO  
8820 COLONADE BLVD STE 600  
SAN ANTONIO, TX 78228-0002
13. FRESIA TEXAS THEME PARK LTD  
PO BOX 54183  
DALLAS, TX 75254-3183



120 AC  
WESTWORLD & LA CANTERA PARKWAY  
ZONING EXHIBIT

PAPE-DAWSON  
ENGINEERS

DATE: 10/1/11  
DRAWN: J. DAWSON  
CHECKED: J. DAWSON  
SCALE: 1"=600'